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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/385,405 08/30/99 SCHMIDT

W 671.1.002CIP

EXAMINER

IM22/0522

WATOV & KIPNES PC  
P O BOX 247  
PRINCETON JUNCTION NJ 08550

POPOVICS, R

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

05/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

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### EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) MR. Kipness (3) \_\_\_\_\_

(2) Examiner Papovics (4) \_\_\_\_\_

Date of interview 5/12/01

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: All

Identification of prior art discussed: Prior Art of Record

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attached.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW ( .g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Encl. Attachment  
PTOL-413 (REV. 2-93)

Examiner's Signature

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### **Examiner's Interview Summary Record**

1. A telephone interview was conducted on May 10, 2001. Mr. Allen R. Kipness, Esq., and Examiner Popovics participated. All of the claims presently pending, and those submitted in the After-Final Amendment of April 2, 2001 (Paper No. 13) which were not entered, were discussed. The prior art of record, in particular, the 5,288,408 patent to Schmidt, was discussed.

**NO AGREEMENT WAS REACHED.**

2. Mr. Kipness asked why the After-Final Amendment had not been entered. The Examiner expressed his belief that the '408 patent to Schmidt would constitute a 102 reference, minimally, against claim 1 as proposed in that amendment. Mr. Kipness argued that the '408 patent to Schmidt did not teach removal of particulates. The Examiner pointed out that the same source of particulates (i.e., "coloring agents") presently being addressed, was also addressed by the '408 patent to Schmidt.

### ***Examiner's Comments***

3. In the '408 patent to Schmidt, one of the objects is stated to be:

Still another object of the present invention is to provide a recycled gelatin product with chemical and physical properties identical to virgin gelatin such that reuse may be successfully accomplished.

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4. At column 3, the following is disclosed:

The soft elastic capsule-forming material will thus be used to enclose active ingredients in the form of powders, liquids or combinations thereof. Oils, such as vitamin A, vitamin E and beta-carotene, for example, are frequently encapsulated in the pharmaceutical industry. Additionally, other oils like mineral oil may be used to coat the outer surface of the gel-capsule during processing. Thus, it can be seen that the encapsulation waste product may have many components to be removed for reuse. In some instances, coloring agents and preservatives may also be incorporated into the encapsulation melt. Commonly used preservatives are methyl- and propylparabens and sorbic acid.

As stated above, present methods of encapsulation lose as much as 50% of the melt during processing, the balance of which is either discarded as a waste by-product or recycled. The latter option requires the removal of all of the above components with the exception of gelatin and glycerine. The present invention provides a novel and efficient method of accomplishing same without experiencing the shortcomings of the prior art.

5. At column 4, lines 22-31, it is disclosed that:

Next, the lower phase is hot filtered to remove any remaining traces of oil or other contaminants. Stainless steel filtration equipment may be employed such as a plate filter, or a coated plate filter like, for example, a Sparkler filter. Alternatively, nutche filters of the Rosenmund type or cartridge filters may be used for the purpose. Here again, the residue may be recaptured for further separation and purification if desired although the amounts involved at this point may not warrant the effort.

6. Claim 6 teaches:

6. The process for recovering and purifying waste gelatin and glycerine of claim 1, wherein the step of hot filtering said aqueous gelatin/glycerine solution is accomplished by use of one of the following filters: (a) a plate filter; (b) a coated plate filter; (c) a nutche filter; or (d) a cartridge filter.

7. Claim 20 teaches:

20. The apparatus of claim 12 wherein said means for hot filtration is a cartridge filter.

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8. In order to remove "*all of the above components*," including "*traces*" of "*coloring agents*," to attain a "*recycled gelatin product with chemical and physical properties identical to virgin gelatin*," any "*cartridge filter*" used would necessarily have a pore size, regardless of the filtration process label placed upon it, to accomplish this task. In the future, Applicant may wish to review all of the teachings of his six column long prior patent, prior to submitting any proposed claim amendments. Any suggestions made by the Examiner pertaining to claim language, were not made in a vacuum, but were made after arguments, oral and otherwise, were presented that:

1) the solution being treated by Schmidt '408 was materially different from the instant material being treated (i.e., argument was made that Schmidt '408 did not contain coloring agents); and 2) that the removal of particulates (i.e., coloring agents) was a point of novelty, not taught by Schmidt '408 or other prior art of record. A review of Schmidt '408 reveals that such is not the case.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Robert Popovics whose telephone number is (703) 308-0684, and who can normally be reached at this number from 9:30 A.M. through 6:00 P.M. (EST) M-F.



**Robert James Popovics**  
**Primary Examiner**  
**Art Unit 1723**

rjp  
May 10, 2001